

**WEIGHTS AND MEASURES AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Ure**

Senate Sponsor: Thomas V. Hatch

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to the inspection and testing of weights and measures used by commercial establishments.

**Highlighted Provisions:**

This bill:

▶ allows weights and measures to be inspected and tested by inspectors registered by the Department of Agriculture and Food.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on January 1, 2006.

**Utah Code Sections Affected:**

AMENDS:

**4-9-15**, as enacted by Chapter 358, Laws of Utah 2004

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **4-9-15** is amended to read:

**4-9-15. Registration of commercial establishments using weights and measures -- Approved weights and measures inspectors -- Application -- Fee -- Expiration -- Renewal.**

(1) (a) Pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall establish rules providing for the registration of weights and measures users and issuance of certification of weights and measures devices to ensure the use of correct

weights and measures in commerce or trade.

(b) The division may:

(i) determine whether weights and measures are correct through:

(A) inspection and testing by department employees; or

(B) acceptance of an inspection and testing report prepared by a registered weights and measures service person;

(ii) establish standards and qualifications for registered weights and measures service persons; and

(iii) determine the form and content of an inspection and testing report.

~~(b)~~ (c) A weights and measures user shall register with the department.

~~(c)~~ (d) Prior to granting a registration to a weights and measures user, the department shall determine whether the weights and measures user complies with the rules established under Subsection (1)(a).

~~(d)~~ (e) An applicant shall register with the department, in writing, using forms required by the department.

~~(e)~~ (f) The department shall issue a registration to an applicant, if the department determines that the applicant meets the qualifications of registration established under Subsection (1)(a).

~~(f)~~ (g) If the applicant does not meet the qualifications of registration, the department shall notify the applicant, in writing, that the applicant's registration is denied.

~~(g)~~ (h) (i) If an applicant submits an incomplete application, a written notice of conditional denial of registration shall be provided to an applicant.

(ii) The applicant must correct the deficiencies within the time period specified in the notice to receive a registration.

~~(h)~~ (i) (i) The department may, as provided under Subsection 4-2-2(2), charge the weights and measures user a registration fee.

(ii) The department shall retain the fees as dedicated credits and shall use the fees to administer the registration of weights and measures users.

(2) (a) A registration, issued under this section, shall be valid from the date the department issues the registration, to December 31 of the year the registration is issued.

(b) A registration may be renewed for the following year by applying for renewal by December 31 of the year the registration expires.

(3) A registration, issued under this section, shall specify:

(a) the name and address of the weights and measures user;

(b) the registration issuance and expiration date; and

(c) the number and type of weights and measures devices to be certified.

(4) (a) The department may immediately suspend a registration, issued under this section, if any of the requirements of Section 4-9-12 are violated.

(b) (i) The holder of a registration suspended under Subsection (4)(a) may apply for the reinstatement of a registration.

(ii) If the department determines that all requirements under Section 4-9-12 are being met, the department shall reinstate the registration.

(5) (a) A weights and measures user, registered under this section, shall allow the department access to the weights and measures user's place of business to determine if the weights and measures user is complying with the registration requirements.

(b) If a weights and measures user denies access for an inspection required under Subsection (5)(a), the department may suspend the weights and measures user's registration until the department is allowed access to the weights and measures user's place of business.

**Section 2. Effective date.**

This bill takes effect on January 1, 2006.